UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

CHRISTIAN AVITIA,)
Plaintiff,)
v. THE CITY OF CHICAGO, BERNARD LEE, TIM TULLY, ERIN MURPHY, AND KEVIN SWEENEY Defendants.)) No. 1:23-cv-15957) Honorable Jeremy C. Daniel))

DEFENDANTS' MOTION FOR SUMMARY JUDGMENT

Defendants City of Chicago, Bernard Lee, Tim Tully, Erin Murphy, and Kevin Sweeney, by and through one of their attorneys, Michael J. Dinard, Assistant Corporation Counsel, move for summary judgment on all claims pled in plaintiff's complaint. In support of their motion, defendants state as follows:

- 1. Plaintiff, Christian Avitia, has sued the City and four of its officers under 42 U.S.C. § 1983, seeking redress for alleged violations of his Fourth Amendment rights. (Pl.'s Compl.; ECF No. 1.)
- 2. Defendants move for summary judgment on all claims pled in plaintiff's complaint because (1) defendants had probable cause to arrest plaintiff, (2) the defendants should be afforded qualified immunity for their actions, (3) the supervisor liability claim fails due to probable cause, and (4) the indemnification claim fails with the above claims. In support of this motion, defendants submit

a memorandum and a Local Rule 56.1 statement of undisputed material facts and exhibits, which are incorporated herein by reference.

WHEREFORE, defendants respectfully request that this court grant defendants' motion for summary judgment and grant such further relief this court deems equitable and just.

DATED: December 17, 2025 Respectfully submitted,

BY: /s/ Michael J. Dinard
MICHAEL J. DINARD
Assistant Corporation Counsel
Attorney No. 6308886

Maxwell Lisy, Assistant Corporation Counsel Supervisor Michael J. Dinard, Assistant Corporation Counsel City of Chicago, Department of Law 2 North LaSalle Street, Suite 420 Chicago, Illinois 60602 312.744.1975 (Phone) michael.dinard@cityofchicago.org Case: 1:23-cv-15957 Document #: 112 Filed: 12/17/25 Page 3 of 3 PageID #:1100

CERTIFICATE OF SERVICE

I hereby certify that, on December 17, 2025, I submitted with the Clerk for the Northern

District of Illinois using the Court's electronic filing system or CM/ECF Defendants' Motion for

Summary Judgment, which served a copy to all counsel of record.

/s/ Michael J. Dinard

MICHAEL J. DINARD

Assistant Corporation Counsel

- 3 -